

ZB# 78-30

Clark Estate

6-5-46.2

#178-30 - Clark Estate - Carol R. Baum, Executrix - William J. Clark, Executor.  
Holmes

# 78-30

Public Hearing

November 13, 1978

8 p.m.

OC PD ~~to be~~

notified on 11/3/78  
fd.

Small  
ED

# GENERAL RECEIPT

3901

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

RECEIVED OF

*Dec 22 1978*  
*Paul Capicchioni (Estate of Irving Clark)* \$ *50.00*  
*Fifty and 00/100*

DOLLARS

FOR

*Zoning Variance #78-30*

DISTRIBUTION:

FUND	CODE	AMOUNT
<i>50.00</i>		
<i>Ch</i>		

BY

*Charlotte Marcantonio*

*Deputy*

TITLE

Williamson Law Book Co., Rochester, N. Y. 14609



**Oxford Pendasflex**  
CORPORATION

STOCK No. 753

MADE IN U.S.A.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x

In the Matter of the Application of

IRVING M. CLARK ESTATE, CAROL R. BAUM HOLMES,

DECISION GRANTING  
USE VARIANCE

Executrix and WILLIAM J. CLARK, Executor.

Application #78-30.

-----x

WHEREAS, CAROL R. BAUM HOLMES, Executrix and WILLIAM J. CLARK, Executor of the ESTATE OF IRVING M. CLARK, have made application for a use variance to permit professional offices in an R-4 (residential) zone located at 572 Union Avenue, in the Town of New Windsor, New York; and

WHEREAS, a public hearing was held on the 13th day of November, 1978 at the Town Hall, New Windsor, New York; and

WHEREAS, the applicants were represented by Robert Plumstead of Paul Capicchioni Real Estate, 316 Blooming Grove Tpk., New Windsor, New York; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also as required by law.

2. The evidence shows that the administrators of the Estate of Irving M. Clark have attempted to sell or lease the property for residential purposes for a number of years.

3. The evidence shows that the neighborhood is primarily commercial in character and that the proposed use as a professional building

will not change the character of the neighborhood.

. The evidence shows that the plight of the applicants was due to unique circumstances and not to general conditions suffered by other persons within the zone.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The land will not yield a reasonable return as it is presently zoned.

2. The hardship of the applicants has been shown to be due to unique circumstances and not general conditions.

3. The application does not alter the essential character of the neighborhood.

4. The application before the board does not rewrite the Zoning Law.

5. The evidence shows that this is not a self-created hardship.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor grant the use variance as applied for by the ESTATE OF IRVING M. CLARK with the following restrictions:


1. Professional office or studio of architect, artist, chiropractor, dentist, engineer, insurance broker, lawyer, optometrist, osteopath, surgeon, physician, real estate broker are permitted uses. Musician, teacher or veterinarian were professional uses which the Board felt were not permitted uses.

2. The purchaser of the property is to demolish and remove all debris of the following structures: greenhouse, garage with residence, all surface debris is to be removed.

3. No flood-lighting to the rear of the property line.
4. A general face-lifting of the current building is to be included.
5. The tree line presently in existence to the rear of the property line to the east and west must be maintained in substantially the same condition as it presently exists with respect to height and density.

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and real estate representative acting in behalf of the Estate of Irving M. Clark.

Dated: January 22, 1979.

  
Vice Chairman

(914) 565-8550

February 2, 1979

R. W. Sholes Real Estate  
2300 Vails Gate Heights Drive  
New Windsor, N. Y. 12550

Attn: Mr. Robert Plumstead

RE: IRVING M. CLARK ESTATE  
APPLICATION FOR VARIANCE  
#78-30

Dear Bob:

Enclosed please find conformed copy of the above formal  
decision which was acted upon at the January 22, 1979  
Zoning Board of Appeals meeting.

Best regards.

Sincerely,

PATRICIA DELIO  
Secretary  
New Windsor Zoning Board of Appeals

/pd

Enclosure

### PROCEDURE FOR PUBLIC HEARING

In order to prepare for a Public Hearing before the Zoning Board of Appeals the applicant must first prepare a public hearing notice, publication to appear in The Evening News once at least 10 days prior to the public hearing date. When notice has been prepared, return it to the Zoning Board Secretary (address below) so that she may publish same at the expense of the applicant. Three copies of the application must also be filled out and returned to the Secretary.

Registered or Certified letters are to be sent to all residents and property owners within a radius of 500 ft. of the property in question. This list may be obtained from the Town Assessor's Office for a fee which is determined by the Town Assessor. His office is located in the Town Hall - 555 Union Avenue, New Windsor, N. Y. All registered or certified letters must have return receipts. All return receipts, copy of published notice, copy of letter and all site plans with measurements must be presented to the Secretary at the public hearing by the applicant. Please include the Assessor's list of names and addresses of all property owners within 500 ft. for the record. A fee of \$50.00 payable to the TOWN OF NEW WINDSOR, should accompany all applications for commercial use. A fee of \$25.00 is required for residential use only. All fees due at the time the applications are returned to the secretary.

*This applies* { Please have your attorney determine whether Section 239 1&m of the General Municipal Law is applicable, and if so, send a copy of your application with plans attached to the Orange County Planning Dept., 124 Main Street, Goshen, New York 10924. (This section only applies if you are located within 500 ft. of a County Road.)

RETURN ALL PAPERS PROMPTLY TO:

PATRICIA DELIO, Secretary  
New Windsor Zoning Board of Appeals  
555 Union Avenue  
New Windsor, N. Y. 12550

Tel: 565-8550

Applicant's check list:

1. Fill out and return 3 copies of application & map or plans.
2. Fill out and return public hearing notice.
3. Town Assessor's list to secretary.
4. Return receipts (green cards) to secretary.
5. Fee for application.
6. Application to Orange County Planning Dept., if applies.
7. Provide secretary with Affidavit of Publication (provided by newspaper.)

Note: The ZBA meet every 2nd and 4th Monday of every month.



BOARD OF ZONING APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

78-30  
(Case No.)

10/25/78  
(Date)

I. Applicant information:

- IRVING M. CLARK ESTATE - CAROL R. BAUM HOLMES, Executrix  
and WILLIAM J. CLARK, Executor
- (a) 572 Union Avenue, Town of New Windsor, N. Y.  
(Name, address and phone of Applicant)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessor)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) PAUL CAPICCHIONI REAL ESTATE - 316 Blooming Grove Tpk.  
(Name, address and phone of broker) New Windsor, N. Y.  
Robert Plumstead

II. Application type:

- ☒ Use variance
- ☐ Area variance
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) R-4 same as above 6.546.2 3.8 acres  
(Zone) (Address) (H B L) (Lot size)
- (b) What other zones lie within 500 ft.? PI and OLI
- (c) Is a pending sale or lease subject to ZBA approval  
this application? no
- (d) When was property purchased by present owner? 1946
- (e) Has property been subdivided previously? yes When? 1955 & 1976
- (f) Has property been subject of variance or special permit  
previously? no When? \_\_\_\_\_
- (g) Has an order to remedy violation been issued by the  
Zoning Director?

78-30

10/25/78  
(Date)

I. Applicant information:

- IRVING M. CLARK ESTATE - CAROL R. BAUM HOLMES, Executrix  
and WILLIAM J. CLARK, Executor
- (a) 572 Union Avenue, Town of New Windsor, N. Y.  
(Name, address and phone of Applicant)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) PAUL CAPICCHIONI REAL ESTATE - 316 Blooming Grove Tpk.  
(Name, address and phone of broker) New Windsor, N. Y.  
Robert Plumstead

II. Application type:

- ☒ Use variance
- ☐ Area variance
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) R-4 same as above 6.546.2 3.8 acres  
(Zone) (Address) (H B L) (Lot size)
- (b) What other zones lie within 500 ft.? PI and OLI
- (c) Is a pending sale or lease subject to ZBA approval of  
this application? no
- (d) When was property purchased by present owner? 1946
- (e) Has property been subdivided previously? yes When? 1955 & 1976
- (f) Has property been subject of variance or special permit  
previously? no When? -
- (g) Has an order-to-remedy violation been issued in the property by  
the Zoning Inspector? If so, when?
- (h) Is there any outside storage at the property now or at any previous time?  
Describe in detail. n/a

☒ IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table Use Regs., Column A-6, to allow

See Schedule A attached hereto.

(Describe proposed use)

Property to be used for professional offices.

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

See Schedule A attached hereto.

☐ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

\* Residential districts only

See Schedule A attached hereto.

(Describe proposed use)

Property to be used for professional offices.

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

See Schedule A attached hereto.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

\* Residential districts only

\*\* Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

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VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VI.

Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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☐ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.
- (b) Describe in detail the use and structures proposed for the special permit.

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☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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☐ IX. Attachments required:

- \_\_\_ Copy of letter of referral from Building and Zoning Inspector.
- \_\_\_ Copy of contract of sale, lease or franchise agreement.
- X Copy of tax map showing adjacent properties
- X Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- \_\_\_ Copy(ies) of sign(s) with dimensions.
- X Check in amount of \$ 50.00 payable to Town of New Windsor.

- (b) Describe in detail the use and structures proposed for the special permit.

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☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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☐ IX. Attachments required:

- ☐ Copy of letter of referral from Building and Zoning Inspector.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of tax map showing adjacent properties
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☐ Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$ 50.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- ☐ Other



1

X. AFFIDAVIT.

Date October 25, 1978

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

(Applicant)

Sworn to before me this  
day of , 1978.

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_
- (b) Variance is \_\_\_\_\_
- (c) Special Permit is \_\_\_\_\_
- (c) Conditions and safeguards \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESO-

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

\_\_\_\_\_  
(Applicant)

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 1978.

XI. ZBA Action:

(a) Public Hearing date \_\_\_\_\_

(b) Variance is \_\_\_\_\_

(c) Special Permit is \_\_\_\_\_

(d) Conditions and safeguards \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY RESO-  
LUTION OF ZONING BOARD OF APPEALS.

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the  
TOWN OF NEW WINDSOR, New York will hold a Public Hearing  
pursuant to Section 48-33A of the Zoning Ordinance on the  
following proposition:

Appeal No. 30

Request of IRVING M. CLARK ESTATE - CAROL R. BAUM HOLMES  
Executrix and WILLIAM J. CLARK, Executor,  
for a VARIANCE ~~SPECIAL USE PERMIT~~ of

the regulations of the Zoning Ordinance, to permit

use of the property as professional offices

in an R-4 (residential) zone,

being a VARIANCE ~~SPECIAL USE PERMIT~~ of

Section 48-9 - Table of Use Regs. - Col. A-6

for property situated as follows:

572 Union Avenue, Town of New Windsor,

New York

SAID HEARING will take place on the 13th day of November, 1978,  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.  
beginning at 8 o'clock P. M.

MARK STORTECKY  
Chairman

(914) 565-8550

December 13, 1978

Paul Capicchioni Real Estate  
316 Blooming Grove Tpk.  
New Windsor, N. Y. 12550

Attn: Mr. Robert Plumstead

RE: APPLICATION FOR USE VARIANCE -  
ESTATE OF IRVING M. CLARK - #78-30

Dear Bob:

This is to confirm that the above-entitled application for a use variance was granted at a regular meeting of the New Windsor Zoning Board of Appeals held on Monday evening, December 11, 1978.

The following restrictions were also added:

1. Professional office or studio of architect, artist, chiropractor, dentist, engineer, insurance broker, lawyer, optometrist, osteopath, surgeon, physician, real estate broker are permitted. Musician, teacher or veterinarian were professional uses not permitted.
2. The purchaser of the property is to demolish and remove all debris of the following structures: greenhouse, garage with residence; all surface debris is to be removed.
3. No flood-lighting to the rear of the property line.
4. A general face-lifting of the current building is to be included.
5. The tree line presently in existence to the rear of the property line to the east and west must be maintained in substantially the same condition as it presently exists with respect to height and density.

Very truly yours,

PATRICIA DELIO, Secretary  
New Windsor Zoning Board of Appeals

/pd

cc: Howard Eollett, Bldg./Zoning Inspector  
Town Planning Board



# COUNTY OF ORANGE

NOV 14 1978

## Department of Planning

124 MAIN STREET (1887 Building)

GOSHEN, NEW YORK 10924

TEL. (914) 294-5151

Peter Garrison, A.I.P., Commissioner

Edwin J. Garling, A.I.P., Deputy Commissioner

November 8, 1978

Mr. Mark Stortecky, Chairman  
Town of New Windsor Zoning Board of Appeals  
Town Hall  
New Windsor, NY 12550

RE: Variance-Clark Estate  
Union Avenue

Dear Mr. Stortecky:

This office, pursuant to the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York, has reviewed the above subject variance.

We hereby return the matter for final local determination.

Very truly yours,

Peter Garrison  
Commissioner of Planning

PG:dv

11/13/78 - Public Hearing - Irving M. Clark Estates

Name	Address
<del>Bentley</del>	42 Knox Dr.
Kay Kieber	43 Knox Dr.
A. Kieber	43 Knox Dr.
Harold Luffin	39 KNOX DR.
James H. Spring	31 KNOX DR.
John Stallone	41 Knox Dr.
Maureen Stallone	41 Knox Dr.
Christine Smith	37 Knox Dr.
Frances O'Neil	40 Knox Dr.
James H. O'Neil	40 Knox DRIVE
John E. Schuff Jr.	3 President Ct.
Grace M. Schuff	3 President Ct.
Joseph M. Alessi	60 Lawrence Ave
Rose Pasycenski Lipul	540 Union Ave.
Richard H. Kemmer	32 KNOX DRIVE
J. Ted Seaman	542 Union Ave NW
Eldred H. Ross	562 " " N.W.



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

October 26, 1978

Mr. Paul Capicchioni  
316 Blooming Grove Tpke.  
New Windsor, NY 12550

RE: Irving Clark Property

Dear Mr. Capicchioni,

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$30.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

Paula King  
Sole Assessor  
Town of New Windsor

PK/bm  
Enc.



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

95 - 90

Chairman  
~~Edmund E. Wynn~~  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

Alessi, Joseph M.  
60 Lawrence Ave.  
New Windsor, NY 12550

Ross, David J. & Eldred  
562 Union Ave.  
New Windsor, NY 12550

Seaman, J Tad  
542 Union Ave.  
New Windsor, NY 12550

Raszcewski, Rose  
540 Union Ave.  
New Windsor, NY 12550

Turner, Clifford & Anna Frances  
1 Oxford Rd.  
New Windsor, NY 12550

Certo, Alfred & Barbara Ann  
3 Oxford Rd.  
New Windsor, NY 12550

Hahnen, Gerald  
5 Oxford Rd.  
New Windsor, NY 12550

Cracchiolo, Vito Jr.  
& Stephanie  
7 Oxford Rd.  
New Windsor, NY 12550

Radulski, Marie C.  
c/o Marie C. Kniffen  
9 Oxford Rd.  
New Windsor, NY 12550

Kent, Stephen D.  
River Rd Balmville  
Newburgh, NY 12550

Van Dyk, Warren V.  
& Muriel E.  
2 Oxford Rd.  
New Windsor, NY 12550

Schjorring, John J.  
& Maureen  
4 Oxford Rd.  
New Windsor, NY 12550

Conklin, Elizabeth  
6 Oxford Rd.  
New Windsor, NY 12550

Maybury, Frederick  
13 Oxford Rd.  
New Windsor, NY 12550

Trifilo, Joseph  
15 Oxford Rd.  
New Windsor, NY 12550

Cavallo, Rosario  
& Amalia  
8 Oxford Rd.  
New Windsor, NY 12550

Giammarco, Josephine  
& Hugo  
28 Oxford Rd.  
New Windsor, NY 12550

Rizzo, Anthony A.  
& Susan  
10 Oxford Rd.  
New Windsor, NY 12550

Wurster, John H.  
& Barbara  
12 Oxford Rd.  
New Windsor, NY 12550





## OFFICE OF THE ASSESSOR

# TOWN OF NEW WINDSOR

---

Chairman  
~~Edmund R. Ryan~~  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

Herbst, Peter  
& Bridget  
19 Knox Dr.  
New Windsor, NY 12550

Paige, Clifford H.  
& Marianne  
21 Knox Dr.  
New Windsor, NY 12550

Hoag, Allen, W.  
& Joanne  
23 Knox Dr.  
New Windsor, NY 12550

Byrne, Nicholas  
25 Knox Dr.  
New Windsor, NY 12550

Weber, Robert J.  
& Olive  
27 Knox Dr.  
New Windsor, NY 12550

Welles, Francis B.  
& Margaret  
29 Knox Dr.  
New Windsor, NY 12550

Irving, James  
& Mary  
31 Knox Dr.  
New Windsor, NY 12550

Hassendenteufel, E Jr.  
& Shirley  
33 Knox Dr.  
New Windsor, NY 12550

Nergelovic, Charles F.  
& Lucy  
35 Knox Dr.  
New Windsor, NY 12550

Smith, Thomas  
& Christine  
37 Knox Dr.  
New Windsor, NY 12550

Sniffen, Harold  
& Ruth  
39 Knox Dr.  
New Windsor, NY 12550

Stallone, John  
& Candolfa  
41 Knox Dr.  
New Windsor, NY 12550

Rieber, Alfred  
43 Knox Dr.  
New Windsor, NY 12550

Perran, Thomas  
& Cheryl  
45 Knox Dr.  
New Windsor, NY 12550

Bailey, Thomas  
& Nancy  
47 Knox Dr.  
New Windsor, NY 12550

Sharp, John  
& Nancy  
19 Clarkview Rd.  
New Windsor, NY 12550

Walker, Herman  
& Marie  
21 Clarkview Rd.  
New Windsor, NY 12550

Mossuto, Edward & Josephine  
15 Clarkview Rd.  
New Windsor, NY 12550



## OFFICE OF THE ASSESSOR

## TOWN OF NEW WINDSOR

Chairman  
~~Elmer D. May~~  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

Smith, David  
& Rose  
1 President Ct.  
New Windsor, NY 12550

Schultz, John  
& Grace  
3 President Ct.  
New Windsor, NY 12550

Carroll, Frederick  
& Joan  
5 President Ct/  
New Windsor, NY 12550

Cerniglia, Stephen  
& Josephine  
7 President Ct.  
New Windsor, NY 12550

Marshall, Peter James  
& Marshall Barbara  
9 President Ct.  
New Windsor, NY 12550

Guillod, Richard  
27 Clarkview Rd.  
New Windsor, NY 12550

McDonald, Leonard  
& Carol Ann  
29 Clarkview Rd.  
New Windsor, NY 12550

Porath, Harold  
& Vera  
31 Clarkview Rd.  
New Windsor, NY 12550

Wilson, Elwood  
& Florence  
592 Union Ave.  
New Windsor, NY 12550

Herring, Zebedee  
& Betty  
590 Union Ave.  
New Windsor, NY 12550

Moseley, Le Grande Sr.  
& Willetta  
588 Union Ave.  
New Windsor, NY 12550

Fischer, Captain Susan  
Box 4426  
Norton AFB, Calif 92409

Derobertis, Hugh B. Jr.  
& Jean  
13 Clarkview Rd.  
New Windsor, NY 12550

Gurski, William  
& Frances  
2 Mitchell Lane  
New Windsor, NY 12550

Rainville, Napoleon  
& Ann  
4 Mitchell Lane  
New Windsor, NY 12550

Mosher, Donald  
6 Mitchell Lane  
New Windsor, NY 12550

Kukurender, Joseph  
& Mary  
8 Mitchell Lane  
New Windsor, NY 12550

MacFarland, David  
& Beverlie Ann  
10 Mitchell Lane  
New Windsor, NY 12550



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman  
~~Edmund E. Wyant~~  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

DuBois, George  
& Janet  
12 Mitchell Lane  
New Windsor, NY 12550

Benson, John  
& Claire  
24 Knox Dr.  
New Windsor, NY 12550

Wilson, Robert  
& Dorothea  
28 Knox Dr.  
New Windsor, NY 12550

Kenna, Richard  
& Anna  
32 Knox Dr.  
New Windsor, NY 12550

McGorty, Micheal  
& Margaret  
34 Knox Dr.  
New Windsor, NY 12550

Perlitz, Robert J. Jr.  
& Esther  
36 Knox Dr.  
New Windsor, NY 12550

Dimmick, Franklin  
& Olive  
38 Knox Dr.  
New Windsor, NY 12550

ONiel, James  
& Francis  
40 Knox Dr.  
New Windsor, NY 12550

Arbeiter, Benjamin  
& Mary, 42 Knox Dr.  
New Windsor, NY 12550

Wilson, Steven & Helen  
44 Knox Dr.  
New Windsor, NY 12550

Quill, Jeremiah  
& Patricia  
17 Clarkview Rd.  
New Windsor, NY 12550

McTamaney, Peter  
& Eleanor  
15 Clarkview Rd.  
New Windsor, NY 12550

Harris, Donald  
& Barbara  
20 Knox Dr.  
New Windsor, NY 12550

Gordon, Hillard & Florence  
11 Mitchell Lane  
New Windsor, NY 12550

Marsil, Colleen & Ellison  
9 Mitchell Lane  
New Windsor, NY 12550

Shanahan, Charles & Mildred  
7 Mitchell Lane  
New Windsor, NY 12550

Dirago, Anthony & Elizabeth  
5 Mitchell Lane  
New Windsor, NY 12550

Reilly, John & Alice  
3 Mitchell Lane  
New Windsor, NY 12550

Kieva, Steven & Ellen  
1 Mitchell Lane  
New Windsor, NY 12550



## OFFICE OF THE ASSESSOR

# TOWN OF NEW WINDSOR

Chairman  
~~Elsworth R. Weyant~~  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

Peagram, E.  
11 Clarkview Rd.  
New Windsor, NY 12550

Csubak, Stephen & Regina  
2 Clarkveiw Rd  
New Windsor, NY 12550

Thayer, Peggy  
4 Clarkview Rd.  
New Windsor, NY 12550

Peleshuck, Gary & Sharon  
6 Clarkview Rd.  
New Windsor, NY 12550

Bradley, Robert  
Bruno, Karen  
March, Joan  
c/o Madeleine Bradley  
8 Clarkview Rd.  
New Windsor, NY 12550

Miller, Harold & Doris  
10 Clarkview Rd.  
New Windsor, NY 12550

Mock, William  
12 Clarkview Rd.  
New Windsor, NY 12550

Jaime, Willard & Mary  
14 Clarkview Rd.  
New Windsor, NY 12550

Hemingway, Frederick & Elizabeth  
16 Clarkview Rd.  
New Windsor, NY 12550

Paskin, Irving & Ida  
18 Clarkview Rd.  
New Windsor, NY 12550

Fayo, Leonard & Emily  
26 Clarkview Rd.  
New Windsor, NY 12550

Davidson, John J. & Audry  
22 Clarkview Rd.  
New Windsor, NY 12550

Hyzer, Robert & Janette  
24 Clarkview Rd.  
New Windsor, NY 12550

Gomes, Joseph, & Marie  
26 Clarkview Rd.  
New Windsor, NY 12550

Van Voorhis, Raphael & Carol  
28 Clarkview Rd.  
New Windsor, NY 12550

Jennings, Richard & Patricia  
30 Clarkview Rd.  
New Windsor, NY 12550

Polli, Daniel & Sharon  
32 Clarkview Rd.  
New Windsor, NY 12550

Infante, Madeline  
602 Union Ave.  
New Windsor, NY 12550

Smith, Charles & Ethel  
Helmes Hill Rd.  
Washingtonville, NY 10992



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OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

Town of New Windsor  
555 Union Ave.  
New Windsor, NY 12550

Kings of Kings Lutheran Church  
543 Union Ave.  
New Windsor, NY 12550

Very truly yours,

A handwritten signature in cursive script that reads 'Paula King'. The signature is written in dark ink and is positioned above the printed name and title.

Paula King  
Sole Assessor  
Town of New Windsor

2

IV A. Sec. 49 - 6, NC Zone, table of use regs. col. A-6

B. 1. Neighborhood consists of:

- a. proposed YMCA directly across the street
- b. New Windsor Town Hall adjacent to (a).
- c. King of Kings Lutheran Church - 534 Union Ave.
- d. Maharay, Seaman, McQuirk, & Zeccola - 542 Union Ave.
- e. Beauty Shop adjacent to (d).

2. Financial Hardship

- a. History - property has been for sale from Apr. 25, 1977 to Aug. 4, 1977 with Carhart Agency on a MLS Exclusive contract, at \$88,000, which was the appraised value by Eldred P. Carhart, Jr. for the Clark Estate. The price was reduced to \$79,000 on Aug. 5, 1977. Paul P. Capicchioni Real Estate listed the property on Aug. 23, 1978 for \$52,900 with a MLS exclusive contract. There have been no offers to purchase the subject property since it was offered for sale on 4/24/77.
- b. Financing availability:
  - 1. Federal Housing Administration - property does not conform to their standards.
  - 2. Veterans Administration - property does not conform to their standards.
  - 3. Conventional Financing - requires 50% down payment. It is not likely that we will find a prospective buyer to invest 50% of the selling price (\$26,450) for use as a residence when the buyer could find suitable housing and qualify under F.H.A. with 3% to 5% down payment, or V.A. financing with no down payment.

3. Marketing Approach

Sell subject property to a professional person such as: a lawyer, doctor, accountant, insurance agency, real estate broker, etc. for the following reasons.

- a. Investment would not be excessive for a place of business.
- b. Financing would be more readily available through a commercial banking institution for the suggested usage.
- c. The location, with the current structures and available parking area, provides an ideal site for a professional building.
- d. The current condition of the property is in "fair" condition. By the nature of the suggested use, improvements made to the property can only enhance the appearance of the neighborhood.

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD  
BUILDING/ZONING INSPECTOR

FROM: ZONING BOARD OF APPEALS SECRETARY

SUBJECT: PUBLIC HEARINGS BEFORE ZBA  
November 13, 1978

DATE: November 3, 1978

Kindly be advised that there is one public hearing scheduled for the evening of November 13, 1978 before the Zoning Board of Appeals on Application of CAROL R. BAUM HOLMES, Executrix and WILLIAM J. CLARK, Executor of the Estate of IRVING M. CLARK, requesting a use variance for professional offices on property located at 572 Union Avenue, Town of New Windsor in an R-4 (residential) zone.

I have attached hereto a copy of the above application together with public hearing notice which was published in The Evening News on November 4, 1978.

Pat

/pd

Enclosures

AGENDA

NEW WINDSOR ZONING BOARD OF APPEALS

November 13, 1978

7:30 p.m. - ROLL CALL

Motion to approve the October 23, 1978 minutes  
as written.

PRELIMINARY MEETINGS:

1. OSTERHOUT, GILBERT & EDWARD - Area variances requested for Ye Peasant Pot Inn to be located on Route 32. Elia M. Larocca, Esq. representing Messrs. Osterhout.
2. SHEDDEN, CARRIE - Newburgh City School District (owner of property) Mrs. Shedden requests to use property formerly Vails Gate School on Route 94 for beauty school operation.
3. BILELLO, LAWRENCE - Request permission to speak with Board regarding property on Walsh Road. 1 Jan 9-1980

PUBLIC HEARING:

- 8 p.m. - Application for use variance - IRVING M. CLARK ESTATE CAROL R. BAUM HOLMES, Executrix and WILLIAM J. CLARK, Executor - property located at 572 Union Avenue in a residential zone (R-4). Proposal to use premises for professional offices.

Discussion period.

Pat - 565-8550 (office)  
562-7107



NEW WINDSOR ZONING BOARD OF APPEALS  
Regular Session  
October 23, 1978

MEMBERS PRESENT: Vincent Bivona, Vice Chairman  
Dan Konkol  
Jack Babcock  
James Bothwell  
Richard Fenwick

MEMBERS ABSENT: Mark Stortecky  
Dan McCarville

ALSO PRESENT: Andrew S. Krieger, Esq.  
Attorney for the Board  
Patricia Delio, Secretary

In the absence of Chairman Mark Stortecky, Vice Chairman Vincent Bivona called the October 23, 1978 meeting of the New Windsor Zoning Board of Appeals to order at 7:30 p.m. Motion followed by Dan Konkol, seconded by Jack Babcock to accept the minutes of September 25, 1978 as written. Motion carried, all ayes.

Preliminary Meeting:

Mr. Robert Plumstead of Paul Capicchioni Real Estate, appeared before the ZBA with a proposal to use property located at 572 Union Avenue, New Windsor, N. Y. for professional offices. Property is presently zoned R-4.

Property is owned by Irving M. Clark Estate; Carol R. Baum Holmes is the Executrix and William J. Clark is the Executor of the Estate of Irving M. Clark.

Mr. Plumstead stated that the property has been up for sale as a residential property since April 25, 1977. The parcel contains 3.8 acres of land and is across from the Town Hall. No outside structural changes are proposed.

Motion followed by Jack Babcock, seconded by Richard Fenwick to schedule a public hearing for November 13, 1978 at 8 p.m. Motion carried, all ayes.

\* \* \* \* \*

Mrs. Ray Mungo of Route 94-Vails Gate, N. Y. appeared before the ZBA with a request to use her property, located in an R-4 district, for professional offices.

Mrs. Mungo stated that she has tried to sell her property as a residence, but due to the nature of the neighborhood she resides in and the fact that she is located on a major thoroughfare in New Windsor, no one is interested in locating a residence in that area. She has two doctors who are interested in purchasing

the property for doctor's offices, but they do not intend to reside on the premises. Therefore, this cannot be deemed as an accessory use to the property and a use variance would have to be sought.

Motion followed by Richard Fenwick, seconded by James Bothwell to schedule a public hearing for December 11, 1978 at 8 p.m. Motion carried, all ayes.

\* \* \* \* \*

Secretary presented several formal decisions for the Board's approval, as follows:

Motion followed by Richard Fenwick, seconded by Jack Babcock, to accept the formal decision of DAGNY LUNDSTROM.

Roll call: James Bothwell: Yes  
Dan Konkol: Yes  
Jack Babcock: Yes  
Rich Fenwick: Yes  
Vincent Bivona: Yes

Motion carried 5 ayes - no nays. Decision accepted.  
Copy of same would be forwarded to Mrs. Lundstrom.

Motion followed by Jack Babcock, seconded by Richard Fenwick, to accept the formal decision of CARLOS SCHEER.

Roll call: James Bothwell: Yes  
Dan Konkol: Yes  
Jack Babcock: Yes  
Rich Fenwick: Yes  
Vincent Bivona: Yes

Motion carried 5 ayes - no nays. Decision accepted.  
Copy of same would be forwarded to Carlos Scheer and his attorney, Arnold A. Bernstein.

Motion followed by Dan Konkol, seconded by James Bothwell to accept the formal decision of DENNIS and JOAN MAHER.

Roll call: James Bothwell: Yes  
Dan Konkol: Yes  
Jack Babcock: Yes  
Rich Fenwick: Yes  
Vincent Bivona: Yes

Motion carried 5 ayes - no nays. Decision accepted. Copy of same would be forwarded to Dennis and Joan Maher.

Motion followed by Richard Fenwick, seconded by Jack Babcock to accept the formal decision of TOWNSEND/HUSTED.

Roll Call: James Bothwell: Yes  
Dan Konkol: Yes  
Jack Babcock: Yes  
Rich Fenwick: Yes  
Vincent Bivona: Yes

Motion carried 5 ayes - no nays. Decision accepted. Copy of same would be forwarded to applicants.

Motion followed by Dan Konkol, seconded by Jack Babcock to accept the formal decision of ADELBERT & ELIZABETH CZARNECKI.

Roll call: James Bothwell:	Yes
Dan Konkol:	Yes
Jack Babcock:	Yes
Rich Fenwick:	Yes
Vincent Bivona:	Yes

Motion carried 5 ayes - no nays. Copy of same would be forwarded to Mr. and Mrs. Adelbert Czarnecki.  
All of the above decisions are attached hereto and made a part hereof.

\* \* \* \* \*

PUBLIC HEARING on Application of HOWARD LOWY and NEW WINDSOR ASSOCIATES to establish a roller skating rink on property located on Route 94 in the Town of New Windsor in an NC (Neighborhood Commercial) zone. Use is not permitted in this zone.

Secretary accepted 89 return receipts from adjacent property owners (95 on Town Assessor's list); list from Town Assessor was also received, affidavit of publication received, copy of Agreement of Sale between Skate Realty Corp. and New Windsor Associates; site plan; photographs together with check in the sum of \$50.00 for zoning application fee.

Daniel J. Bloom, Esq. of Bloom & Bloom, attorney, was present and represented Mr. Howard Lowy, contract purchaser of the property in question.

There were numerous spectators present, some spoke in favor of the application and others spoke in opposition to the application. Spectators list on file in secretary's office.

Daniel J. Bloom, Esq. presented Mr. Lowy's case before the Board. Several witnesses, including Mr. Stuart Goldsmith of New Windsor Associates, was present and made comments on the history of the property.

Public hearing was recorded on Tape Nos. 53 and 54 and is on file in the Secretary's office.

Orange County Planning Dept. send a letter under date of October 26, 1978, stating they would leave the determination to the ZBA and no comments were forthcoming.

Before the close of the public hearing, motion followed by Richard Fenwick, seconded by Jack Babcock to grant a use variance to HOWARD LOWY and NEW WINDSOR ASSOCIATES to establish a roller skating rink on property located on Route 94 in an NC zone with the following restrictions:

1. Fence to be provided around three sides of the

property in question;

2. Security Guard to be on duty until 7 a.m.;
3. Resurfacing of parking lot, removal of all weeds;
4. New roof to be added when weather permitted;
5. Drainage system to be cleaned out and corrected;
6. Entrance and exits to be clearly marked and designated; and
7. Shadow lights to be placed on the back walls of the building.

All of the above contingencies are deemed to be continuing contingencies in nature and the variance is expressly conditioned upon adherence to these conditions and, further, in the event that it can be shown to the satisfaction of the Board that the applicant is failing to adhere to any of the conditions, the variance shall become void.

ROLL CALL:	James Bothwell	- Yes
	Dan Konkol	- Yes
	Jack Babcock	- Yes
	Rich Fenwick	- Yes
	Vincent Bivona	- Yes

Motion carried 5 ayes - 0 nays. Variance granted.

Formal decision would be drafted by the Attorney for the Board and acted upon at an upcoming meeting of the ZBA.

\* \* \* \* \*

PUBLIC HEARING on Application of SAFEKEY MINI-WAREHOUSES INC. and LBL ASSOCIATES for a use variance for construction of a mobile home park consisting of 27 units in an area presently zoned "C" (Designed Shopping).

Secretary accepted 27 return receipts from adjacent property owners - 31 on Assessor's list; Tax Assessor's list; affidavit of publication; affidavit of service by mail; together with check in the sum of \$50.00, zoning application fee.

Daniel J. Bloom, Esq. was present with his clients, Mr. Jack Bragg and Mr. Paul Lindau of the applicant corporation. Public hearing was recorded on Tape #55 on file in Secretary's office.

Before the close of the hearing, motion followed by Jack Babcock, seconded by Richard Fenwick to grant the use variance to the above applicants for use of the property as a mobile home park.

Roll call:	James Bothwell	- Yes
	Dan Konkol	- Yes
	Jack Babcock	- Yes
	Rich Fenwick	- Yes
	Vince Bivona	- Yes

Motion carried 5 ayes - no nays. Application granted. Formal decision would be drafted in this matter by the Attorney for the Board and be acted upon at an upcoming ZBA meeting.

\* \* \* \*

Since there was no further actions to be taken by the Board, motion followed by Jack Babcock, seconded by Dan Konkol to adjourn. Motion carried, all ayes. Meeting adjourned.

Respectfully submitted,



PATRICIA DELIO, Secretary